



**BOARD OF TRUSTEES  
TOWN OF MESILLA  
MEETING**

**TUESDAY, MAY 27, 2014**

**6:00 P.M.**

**TRUSTEE:** Nora L. Barraza, Mayor  
Carlos Arzabal, Mayor Pro Tem  
Sam Bernal, Trustee  
Linda L. Flores, Trustee  
Stephanie Johnson-Burick, Trustee

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
Kevin Hoban, Fire Chief  
Debbie Lujan, Public Works Director  
Chris Mangusing, Marshal  
Gloria Maya, Recorder

**PUBLIC:** Patricia Lozano Jeannie Lucero  
Ron Burick Rosie Martinez  
Richard Lucero Charles Bourger  
Tamra McLeod Rebecca Segovia  
Mary Lucero Yolanda Lucero  
Prisciliana Sandoval Jake Blevans

**1. PLEDGE OF ALLEGIANCE**

Mayor Barraza led the Pledge of Allegiance.

**2. ROLL CALL & DETERMINATION OF A QUORUM**

**Roll Call.**

**Present:** Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Bernal, Trustee Flores, Trustee Johnson-Burick.

**3. PUBLIC INPUT – There is a 3 minute limit per person.**

Mrs. Earhart asked if they remember the story of Peter Rabbit by Midrick Potter an uneducated woman who made a lot of money from the book. She purchased property in England and she was able to preserve a beautiful part of England and she understood industrial revolution. Everyone comes or stays in Mesilla because it small and rural. She came from a rural community and loves Mesilla. She is asking the board to consider three things; 1) the scale, 2) the load that it will create, 3) the intent. She understands it

1 is should be commercial since the area is commercial but no one thought something that big would be  
2 done. She asked that they look at long range planning. She is not the only one with these concerns.

3  
4 Mr. Burick indicated he brought up at one of the other meetings that they are unable to access the agenda  
5 or the minutes on the website.

6 **4. CHANGES/APPROVAL OF THE AGENDA**

7  
8 Mayor Barraza requesting adding the proclamation establishing A Bike Month to the Town of Mesilla.

9  
10 **Motion:** To approve the agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee  
11 Bernal.

12  
13 Trustee Flores asked if this proclamation was done at a prior meeting.

14  
15 Ms. Stoechner-Hernandez responded the previous proclamation was for Bike Week in the Town of  
16 Mesilla.

17  
18 Trustee Flores asked if there is a problem adding a new subject to the agenda.

19  
20 Mayor Barraza asked Ms. Stoechner-Hernandez to respond.

21  
22 Ms. Stoechner-Hernandez responded the proclamation can be added since no action is being taken under  
23 the Open Meeting Act.

24  
25 Mayor Barraza stated if it makes the board happier she has the authority to sign the proclamation since it  
26 does not need to come to the trustees for approval.

27  
28 Trustee Flores stated she will rely on their expertise.

29  
30 Trustee Johnson-Burick stated she is okay with it as long as it does not violate the Open Meeting Act and  
31 it does not become routine.

32  
33 Mayor Barraza responded this is the first time this has occurred. The reason is there were mixed  
34 messages between Ms. Maya and Ms. Stoechner-Hernandez.

35  
36 **Roll Call Vote: Motion passed (summary: Yes = 4).**

37 Mayor Pro Tem Arzabal Yes

38 Trustee Bernal Yes

39 Trustee Flores Yes

40 Trustee Johnson-Burick Yes

41  
42 Ms. Stoechner-Hernandez read the proclamation.

1       **5. \*APPROVAL OF CONSENT AGENDA** – The Board will be asked to approve by one motion  
2 the following items of recurring or routine business. **The Consent Agenda is marked with an**  
3 **asterisk \*:**

4       *Approved by consent agenda*

5       **\*BOT MINUTES** – Regular Meeting of May 12, 2014

6       **\*PZHAC Case 012272** – 2410 Calle de San Albino; Submitted by Tom Hutchison for La Posta  
7 Restaurant, a request for a sign permit to paint a sign on a wall near a door and install a hanging  
8 sign on the western wall of the restaurant along Calle de Guadalupe. Zoned: Historic Commercial  
9 (HC)

10       **\* PZHAC Case 012273** – 2900 Avenida de Mesilla; Submitted by Gerry Grandle for Spotted  
11 Dog Brewery, a request for a sign permit to install a 15 sq. ft. sign on the front of the business to  
12 located at this address. Zoned: General Commercial (C).

13       **\* PZHAC Case 012278** – 2461 Calle de Principal; Submitted by Tamra McLeod for Black  
14 Range Vineyards/Vintage Wines, a request for a sign permit to install a hanging sign on the  
15 eastern wall of the shop Calle de Guadalupe. Zoned: Historic Commercial (HC).

16       **\* PZHAC Case 012279** – 2626 Calle de Principal; Submitted by Tamra McLeod for Anna  
17 Chavez Trust; a request for a building permit to add a cover to a rear porch to an existing  
18 dwelling at this address. Zone: Historic Commercial (HC)

19       **\* PZHAC Case 012280** – 2782 Calle de San Albino; Submitted by Tamra McLeod, a request for  
20 a building permit to allow a freestanding carport to be constructed on a residential property at this  
21 address. Zone: Historic Residential (HR)

22  
23 Mayor Pro Tem Arzabal requested adding item B to the consent agenda.

24  
25 Mayor Barraza indicated the Case #012272 with the condition that he will need to adhere to the number  
26 of signs by ordinance.

27  
28 **Motion:** To approve the consent agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by**  
29 Trustee Johnson-Burick.

30  
31 **Roll Call Vote: Motion passed (summary: Yes = 4).**

32 Mayor Pro Tem Arzabal   Yes

33 Trustee Bernal    Yes

34 Trustee Flores    Yes

35 Trustee Johnson-Burick   Yes

36  
37       **6. NEW BUSINESS:**

38               **\*\*A public hearing must be held prior to approval of the following item\*\***

39  
40       A. Approval of an alcohol license #A-905798 for The Spotted Dog Brewery, LLC to be located at  
41 2900 Avenida de Mesilla – **Cynthia Stoechner-Hernandez, Town Clerk-Treasurer**

1 Ms. Stoechner-Hernandez stated this will be located next Shorty's. This is an independent brewery and  
2 will be 1,500 square feet, capacity 43 people, 6 parking spaces in front and 10 spaces in the rear.  
3 Removal of .5 of the wood fence is required.

4 Opened Public Hearing at 6:16 p.m.

5 No public comments

6 Closed Public Hearing 6:17 p.m.

7 Mayor Pro Tem Arzabal indicated he does know the owner and has no financial interest.

8

9 **Motion:** To approve an alcohol license #A-905798 for The Spotted Dog Brewery, LLC to be located at  
10 2900 Avenida de Mesilla, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

11

12 Trustee Flores stated we need to consider what is behind the area and are there houses abutting the  
13 building.

14

15 **Roll Call Vote: Motion passed (summary: Yes = 4).**

16 Mayor Pro Tem Arzabal Yes

17 Trustee Bernal Yes

18 Trustee Flores Yes

19 Trustee Johnson-Burick Yes

20

21 B. Approval of a contract allowing the Town of Mesilla Fire Department to use the Technical  
22 Services of Physio Control, Inc. – **Kevin Hoban, Fire Chief** *Approved by consent agenda*

23

24 C. Approval of the Town of Mesilla FY 2014/2015 Preliminary Budget to be submitted to  
25 Department of Finance and Administration by May 30, 2014 – **Cynthia Stoechner-Hernandez,**  
26 **Town Clerk-Treasurer/Nora L. Barraza, Mayor**

27

28 **Motion:** To suspend the rules, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-  
29 Burick.

30 **Roll Call Vote: Motion passed (summary: Yes = 4).**

31 Mayor Pro Tem Arzabal Yes

32 Trustee Bernal Yes

33 Trustee Flores Yes

34 Trustee Johnson-Burick Yes

35

36 Ms. Stoechner-Hernandez reviewed the budget preliminary budget with requested changes.

37

38 Trustee Johnson-Burick stated there is a difference in the Marshal's budget from last year's \$319K to  
39 \$410K this year which includes also \$8K in overtime. This is an overall budget increase of \$107K going  
40 with 5%, 5%, and 3%. She has mentioned before she is not comfortable due to the infrastructure needs  
41 and road repairs. We have so many needs and as she has stated before our employees are incredible  
42 valuable but the town needs to take care of the residents. There is a \$92K difference that includes \$30K  
43 for the deputy that she thought they had decided, during the worksession, not to have.

1 Trustee Flores stated we did not close the door on having another deputy. She was told by the Marshal  
2 that the numbers were bigger than what were on the preliminary budget.

3  
4 Trustee Johnson-Burick indicated the numbers of overtime were not going to offset this.

5  
6 Mayor Pro Tem Arzabal asked if the \$30K for the vest included in these numbers.

7  
8 Marshal Mangusing responded the cost for the vests is \$11K.

9  
10 Trustee Johnson-Burick indicated the vests are not under personnel compensation line item; they are  
11 under a different line item.

12  
13 Marshal Mangusing indicated \$30K is what was spent in overtime this year equating to a position is our  
14 reasoning.

15  
16 Trustee Johnson-Burick stated that the budget includes \$8K for overtime plus \$30K for a new deputy; we  
17 are looking at \$38K.

18  
19 Mayor Barraza reiterated there are many things contribute to the increase.

20  
21 Trustee Johnson-Burick responded it does not change a whole lot from last year's budget.

22  
23 Mayor Barraza responded there is a significant difference in FICA and Medicare. She asked Ms.  
24 Stoechner-Hernandez if where it says final that is what is budgeted this year. Referred to chart under  
25 salaries.

26  
27 Ms. Stoechner-Hernandez responded yes that is what was budgeted this year.

28  
29 Mayor Pro Tem Arzabal asked about the court's part-time clerk which is not included in this budget and if  
30 they could vote on the budget and then vote on the part-time position.

31  
32 Mayor Barraza responded the board would have to include it into the budget.

33  
34 Mayor Pro Tem Arzabal stated he would like to table the vote so they can vote on a part-time clerk for the  
35 court and then vote on the 5%, 5% and 3%.

36  
37 Mayor Barraza responded the board will need to first vote on the part-time clerk so it can be incorporated  
38 into the budget. If the part-time clerk is approved then we would need to make budget cuts in order to  
39 have a balanced budget.

40  
41 Trustee Johnson-Burick stated that if we need to make budget cuts then we are not in a financial position  
42 to support a 5%, 5%, and 3% COLA increase.

43

1 Mayor Barraza responded that she disagrees; we are in a financial position to support the increase. The  
2 judge will need to cut his budget to accommodate the position.

3  
4 Judge Frieze stated he submitted his budget based on what is needed to be done in the court. If the board  
5 does not want to approve a part-time clerk then understand that the court will be closed often which will  
6 affect the town's revenues; you're making the choice. He does not know what the board is looking for.  
7 We are not going to cut anything in the budget because that is what they need.

8  
9 Mayor Barraza stated all departments need someone; where do we draw the line. When she looks at the  
10 judge's timesheets, the office is only open 36 hours a week. We can look at bring someone in to make it a  
11 40 hour a week office. The court is closed two weeks with no loss of pay or charge of leave; other  
12 employees do not have that benefit. She looked at the needs of the court.

13  
14 Mayor Pro Tem Arzabal read the state statute section that pertains to the court.

15  
16 Mayor Barraza responded there are two separate forms of government.

17  
18 Mayor Pro Tem Arzabal asked why the court is only 36 hours a week.

19  
20 Judge Frieze responded this started when the town was having financial problems. The clerk at the time  
21 was earning \$38K when she was no longer the clerk he tried to get a full-time clerk, he was told no and  
22 that it would be looked at in six months. That is when he decided to go with two part-time clerks. It is  
23 hard to find someone that is willing to work part-time. He promoted them to \$13 an hour since there was  
24 money in the budget. It is hard to sit here and listen while the board is comparing entities. We did the  
25 comparison and that is why he came up with those figures. The new clerk for Anthony came in at \$25 an  
26 hour. It is hard to keep a competent work in a part-time position. You will see what the difference when  
27 you become retirement age. The budget submitted is based on the needs of the Mesilla Municipal Court  
28 and based pm that the New Mexico Supreme Court decided that courts are different. We try to work with  
29 you in getting the budget done but when you look at the language in the Supreme Court document he does  
30 not have to do that. Governments are supposed to work together. Recommended to read how they  
31 developed the Constitution of the United States and the one word they were afraid of; the word is Tierney.

32  
33 Mayor Barraza indicated she checked with Mr. Cervantes who informed her that the Board of Trustees set  
34 the budget for the judicial entity.

35  
36 Trustee Johnson-Burick stated last year the numbers for the Marshal's Department health and life  
37 insurance were 34K\$ and this year it is at \$70K; a 102% increase.

38  
39 Ms. Stohner-Hernandez stated it has increased; 10% for each deputy.

40  
41 Mayor Barraza stated last year's increase was 15% and this year it is a 10% increase.

42  
43 Trustee Johnson-Burick stated there is a \$10K difference between 2012/2013 to 2013/2014 and now it is  
44 \$36K. This is a big difference.

45  
46 Ms. Stohner-Hernandez stated she will check those figures.

1 Mayor Pro Tem Arzabal asked if this includes the new deputy.  
2  
3 Mayor Barraza responded yes plus the 10%.  
4  
5 Trustee Johnson-Burick stated going back to repair and maintenance, the infrastructure needs and with  
6 budgeting\$150 for repair and maintenance on our cars; she has some serious concerns.  
7  
8 Trustee Flores stated she shares Trustee Johnson-Burick’s concerns.  
9  
10 Mayor Barraza stated as she has mentioned we have our reserve fund that helps address emergencies.  
11 Ms. Lujan does an excellent job looking for funding to address the needs that Trustee Flores and Trustee  
12 Johnson-Burick have concerns with.  
13  
14 Ms. Lujan stated she did get the \$15K match waive for Phase I for Calle Principal. Phase II has a match  
15 of \$17K which she will be applying for a waiver.  
16  
17 Mayor Barraza stated if the match is not waived that amount has been budgeted. We will need close to \$1  
18 million dollars for Calle de Parian which we go to our legislators to request funding. We will continue  
19 our approach to request funding to address our infrastructure needs. We only received \$62K/\$63K from  
20 property taxes. We can only do one or two blocks of road repairs. We need to start investing in our  
21 community.  
22  
23 Trustee Johnson-Burick asked where her priorities are.  
24  
25 Mayor Barraza responded the community, the employees, providing benefits, ensuring we have water,  
26 addressing infrastructure needs, making sure sewer lines are working, ensuring the departments have the  
27 tools to do their job. She feels we have accomplished so much and have been able to provide services to  
28 the community. Ms. Lujan has gone beyond the call of duty to address the needs. We are making  
29 progress and continue to move forward. We will never have enough money to address all our needs. We  
30 try to do our best by taking care of our employees which is very important. Employees need to be  
31 compensated or they will look for better paying jobs. The Fire Chief does a great job in looking for  
32 grants. Being a small community this is all we can do. When the economy goes down our revenue goes  
33 down but we continue to address the infrastructure needs of our community.  
34  
35 Ms. Lujan stated we have received \$4.5 million for infrastructure the last four years.  
36  
37 Mayor Barraza stated we do address our needs; Ms. Lujan is always prioritizing and assessing the roads.  
38  
39 Trustee Bernal stated he is also concerned with the difference on health and life insurance budget. During  
40 the worksession we had indicated what we agreed to. He asked if the court clerk and the deputy are in the  
41 budget.  
42  
43 Mayor Barraza responded the court clerk is not in the budget; the deputy is in the budget.  
44

1 Trustee Bernal stated he gives credit to all the Department Heads for staying within their budget. It has  
2 been difficult to stay within budget. He sees the progress with all the funding that has been awarded.  
3 These people deserve some kind of increase. We have had several worksession to review the budget and  
4 he sees the Mayor's figures and has seen the town in a worse position. We do not want to go back and he  
5 knows with the mayor's guidance we will continue to go forward and hopes we make the right decision.

6  
7 Mayor Barraza stated we can see how it works out with the one full-time clerk and in three months we see  
8 there is a need for another clerk we can address it at that time.

9  
10 Trustee Flores stated she shares the same concerns that Trustee Johnson-Burick has and would like to  
11 consider the 5%, 4%, and 3% COLA increases and just wait to see what happens. We can look at this  
12 later to see how things are. When she started the town was in a very bad financial shape. We made some  
13 very hard decisions. She is a concerned with infrastructure needs which are old. She is not sure that Ms.  
14 Lujan will be able to continue get funding. She understands the difference is not very much but we need  
15 to be conservative everywhere we can so that we can have more money in our reserve to handle  
16 emergencies. She understands the mayor believes we have the money but she has that fear and cannot  
17 advocate for the higher COLA increase.

18  
19 Mayor Barraza stated the board will need to make tough decisions with regards to increasing fees due to  
20 the CPI which will address infrastructure needs. The board is also familiar with the water audit that was  
21 just done.

22  
23 Mayor Pro Tem Arzabal stated we cannot put a price tag on public safety. We need to listen to the judge  
24 and see what he needs. The board needs to provide that.

25  
26 Ms. Stoechner-Hernandez stated the part-time clerk figure is not included in the budget but is listed on  
27 page 14 as a separate item for an additional \$15,695.

28  
29 Mayor Pro Tem Arzabal asked if the part-time clerk would get insurance.

30  
31 Ms. Stoechner-Hernandez responded no, the clerk would not get insurance.

32  
33 Trustee Johnson-Burick stated if we are going to have to look at increasing rates on our employees then  
34 we need to look at the most conservative approach to our budget. She is only one vote but her one vote  
35 represents the 381 people that elected her into office. She is going to be very conservative.

36  
37 Marshal Mangusing stated he has look at the community's historical data when there were eight or nine  
38 deputies. He knows the Marshal's Department has been unable to stay within the budget. The trustees  
39 will see a change in the overtime due to an extra deputy also it is important to utilize the extra manpower  
40 to prevent deputy's from working seven to eight days straight covering shifts. His goal is see if the \$8K  
41 is a reasonable amount. He wants to be one of the departments everyone says is doing a great job; it  
42 seems that the Marshal's Department is the only department not doing a great job. He feels this is a  
43 fantastic step in getting the department under control.

44  
45 **Motion:** To reinstate the rules, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-  
46 Burick.

47 **Roll Call Vote: Motion passed (summary: Yes = 4).**

1 Mayor Pro Tem Arzabal Yes

2 Trustee Bernal Yes

3 Trustee Flores Yes

4 Trustee Johnson-Burick Yes

5

6 Mayor Barraza stated before the board is the 2014-15 budget with a 5%, 5% and 3% COLA increase.  
7 Mayor Pro Tem Arzabal recommends a part-time position at \$10 an hour for Municipal Court. She asked  
8 Ms. Stoechner-Hernandez to incorporate that into the budget which will put us over. We can get a  
9 percentage from all the departments to cover that expense in order to get a balanced budget.

10

11 Trustee Johnson-Burick stated she would support a 5%, 4%, and 3% COLA increase and the part-time  
12 clerk.

13

14 Mayor Barraza stated the 5%, 5%, and 3% COLA increase and the part-time clerk is before the board  
15 after discussion. The vote will be on how the motion is made.

16

17 **Motion:** To approve the 2014-2015 Preliminary Budget with a 5%, 4% and 3% COLA increase and a  
18 part-time position for the court, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Bernal.

19

20 **Roll Call Vote: Motion denied (summary: Yes = 2. No=3).**

21 Mayor Pro Tem Arzabal No

22 Mayor Barraza No

23 Trustee Bernal No

24 Trustee Flores Yes

25 Trustee Johnson-Burick Yes

26

27 **Motion:** To approve the Town of Mesilla FY 2014/2015 with a 5%, 5%, and 3% COLA increase and a  
28 part-time position for the court, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

29

30 **Roll Call Vote: Motion passed (summary: Yes = 3, No=2).**

31 Mayor Pro Tem Arzabal Yes

32 Mayor Barraza Yes

33 Trustee Bernal Yes

34 Trustee Flores No

35 Trustee Johnson-Burick No

36

### 37 7. BOARD OF TRUSTEE COMMENTS

38

39 Trustee Flores

40

41 Mayor Pro Tem Arzabal recommended that the public attend the Marshal's Community Outreach  
42 meeting.

1 Trustee Johnson-Burick stated she brings up the library issue up every two weeks and would like to know  
2 once again where it stands.  
3  
4 Ms. Stoechner-Hernandez responded that she has not heard back from Mr. Cervantes but will follow up.  
5 Mr. Cervantes has been tied up with the mayor's items.  
6  
7 Mayor Barraza stated she is not sure there will be space at the Community Center since we are relocating  
8 the Marshal and Fire Departments during the renovation.  
9  
10 Trustee Johnson-Burick responded residents have expressed an interest in keeping the community library  
11 and she pledged to them that she would do her best. She asked about the drug policy.  
12  
13 Ms. Stoechner-Hernandez responded she is waiting to hear back from Connie.  
14  
15 Trustee Johnson-Burick stated she asked about the Marshal's certification during the worksession but did  
16 not receive an answer; she did receive a status update. Correct her if she is wrong; the only cost the town  
17 will incur in this current budget cycle for this.....  
18  
19 Mayor Barraza responded that is a personnel issue.  
20  
21 Trustee Johnson-Burick stated the cost is not a personnel issue.  
22  
23 Mayor Barraza stated not the cost but right now we do not have all the documentation in place to be able  
24 to respond.  
25  
26 Trustee Johnson-Burick stated it is not going to cost anything other than the travel.  
27  
28 Mayor Barraza indicated the Marshal is waiting to hear back so we do not have the information to share  
29 with the trustees.  
30  
31 Trustee Johnson-Burick responded that was okay; she hadn't gotten answer from the town so she called  
32 and got it.  
33  
34 Trustee Flores asked if we are piggy-backing with the county will we be tied to their standards that they  
35 have for drug testing.  
36  
37 Mayor Barraza responded at this time we do not know.  
38  
39 Trustee Bernal stated we are taking a big step forward and hopefully, we continue to move forward.  
40 Hopefully, the next time the judge wants to give a raise he will bring it to the board. Hopefully, he will  
41 manage his department and his employees just like everyone else.  
42

1 Mayor Barraza stated she apologizes for the website. She asked Ms. Stoechner-Hernandez to get with Ms.  
2 Parra. There is no excuse for items not being available to the public. She will personally follow up on  
3 that and hopes that by the end of the week it will be up and running.

4  
5 Marshal Mangusing stated tomorrow we will have a Community Outreach at the Community Center from  
6 6:00 p.m. to 8:00 p.m. This will give everyone a chance to meet the deputies and him. We will discuss  
7 both good and bad issues.

8  
9 Mayor Pro Tem Arzabal stated a budget is a work in progress. The trustees get a monthly report and we  
10 can take action if things are not going as planned. The town was able to repair the well due to the reserve.

11  
12 **8. ADJOURNMENT**

13  
14  
15 **Motion:** To adjourn, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

16  
17 **Roll Call Vote: Motion passed (summary: Yes = 4).**

18 Mayor Pro Tem Arzabal Yes

19 Trustee Bernal Yes

20 Trustee Flores Yes

21 Trustee Johnson-Burick Yes

22  
23  
24 **MEETING ADJOURNED AT 7:27 P.M.**

25  
26  
27 **APPROVED THIS 9<sup>TH</sup> DAY OF JUNE, 2014.**

28  
29  
30  
31  
32  
33 \_\_\_\_\_  
34 Nora L. Barraza  
35 Mayor

36  
37 **ATTEST:**

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42 \_\_\_\_\_  
43 Cynthia Stoechner-Hernandez  
44 Town Clerk/Treasurer

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